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L. Scott Humphries

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VERIZON
PATENT MANAGEMENT GROUP
1515 N. COURTHOUSE ROAD
SUITE 500
ARLINGTON, VA 22201-2909

EXAMINER

FRANKLIN, RICHARD B

ART UNIT

PAPER NUMBER

2181

NOTIFICATION DATE

DELIVERY MODE

09/05/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/758,769	Applicant(s) HUMPHRIES ET AL.	
	Examiner RICHARD FRANKLIN	Art Unit 2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-11,13-18 and 20-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-11,13-18,20-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 4, 6 – 11, 13 – 18, and 20 – 33 are pending.

Response to Arguments

2. Applicant's arguments filed 22 May 2008 have been fully considered but they are not persuasive.

Applicant has argued that the relied upon references, US Patent Application Publication No. 2003/0109988 (hereinafter Geissler) in combination with US Patent Application Publication No. 2005/0071079 (hereinafter Godfrey), does not teach an I/O port which is configured in accordance with a configuration message from a user input. However, the Examiner respectfully disagrees. Geissler teaches a telemetry device (Geissler; Figure 2b Item 100) which is connected to and controls an object (Geissler; Paragraph [0050] Lines 1 – 4). While Geissler does not *explicitly* state that there is an IO port between the telemetry device and the object, such a port must *inherently* exist in the system in order for the telemetry device to communicate and control the output unit. Geissler also teaches that the object can provide sensor information to the telemetry device (Geissler; Paragraph [0054] Lines 8 – 10) and is connected to the telemetry device through a wired or wireless communication link (Geissler; Paragraph [0049] Lines 9 – 12). Such a link must use an IO port for communications. Also, Geissler teaches wherein the telemetry device sets parameters relating to the IO port. Geissler teaches that the remote station is able to enable and disable individual sensors connected to the telemetry device in response to a message (Geissler; Paragraph

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[0058] Lines 11 – 17). Therefore, Geissler teaches setting parameters (enable/disable) related to the IO port from a message received over from a remote station.

Applicant also argues that Geissler does not teach that the setting of parameters of the IO port is in accordance with a user configuration message. However, the Examiner respectfully disagrees. Geissler teaches that remote power management of the telemetry device and the object can be on-demand as necessitated by either business requirements or user requests (Geissler; Paragraph [0058] Lines 9 – 11). Therefore, Geissler teaches that IO port parameters are set in accordance with a user configuration message.

Applicant also argues that Geissler does not teach receiving another user input to instruct the fleet and asset management system to transmit a control message to the telemetry device, and in response to the control message, the telemetry device controlling one of the objects via the IO port and the status of the IO port. However, the Examiner respectfully disagrees. Geissler teaches that if a user (“qualified medical personnel”) determines that a medical condition of a patient is occurring, the user sends a response signal to the telemetry device (Geissler; Paragraph [0045] Lines 1 – 7, Paragraph [0055] Lines 9 – 12). The telemetry device then controls the object in accordance with the information in the response message (Geissler; Paragraph [0055] Lines 12 – 18). Geissler also teaches wherein the device is activated upon reception of such a response message (Geissler; Paragraph [0056]). Therefore, Geissler teaches

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controlling the objects by the IO port and the status of the IO port in accordance with user input transmitted from a remote location.

Applicant also argues that Geissler in combination with Godfrey does not teach receiving a location data request for an Assisted-Global Positioning System (A-GPS). Applicant states that A-GPS systems, per se, were known at the time the invention was made. However, states that one of ordinary skill in the art would not have been motivated to include A-GPS in the system of Geissler. However, the Examiner respectfully disagrees. As stated by Godfrey, the A-GPS system taught by Godfrey improves the tracking of a vehicle (the object) without some of the costs and disadvantages of the prior art (Godfrey; Paragraph [0012] Lines 1 – 3). Therefore, it would have been obvious to one of ordinary skill to include the A-GPS in the system of Geissler because of the reasons set forth above.

As per the previous rejection of claims 15 – 18 and 20 – 21 under 35 USC 101, applicant has amended the claims to recite a “computer-readable **storage** medium” in order to overcome such a rejection. However, the Examiner notes that such an amendment will not overcome the rejection under 35 USC 101. Applicant has failed to specify in the specification what is considered to be a “computer-readable **storage** medium.” Therefore, it would still be reasonable to interpret all forms of the “computer-readable medium” described in the specification to be a “computer-readable **storage** medium.”

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 15 – 18 and 20 – 21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 15 - 18 and 20 - 21 recite "a **computer readable storage medium** carrying one or more sequences of instructions" (emphasis added). Paragraphs [88] – [91] of the originally filed specification define a "computer readable medium" as follows (emphasis added):

[88] The network link 1019 typically provides data communication through one or more networks to other data devices. For example, the network link 1019 may provide a connection through local network 1021 to a host computer 1023, which has Connectivity to a network 1025 (e.g. a wide area network (WAN) or the global packet data communication network now commonly referred to as the "Internet") or to data equipment operated by a service provider. ***The local network 1021 and the network 1025 both use electrical, electromagnetic, or optical signals to convey information and instructions. The signals through the various networks and the signals on the network link 1019 and through the communication interface 1017, which communicate digital data with the computer system 1000, are exemplary forms of carrier waves bearing the information and instructions.***

[89] ***The computer system 1000 can send messages and receive data, including program code, through the network(s), the network link 1019, and the communication interface 1017. In the Internet example, a server (not shown) might transmit requested code belonging to an application program for implementing an embodiment of the present invention through the network 1025, the local network 1021 and the communication interface 1017.*** The processor 1003 may execute

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the transmitted code while being received and/or store the code in the storage device 1009, or other non-volatile storage for later execution. ***In this manner, the computer system 1000 may obtain application code in the form of a carrier wave.***

[90] The term "computer-readable medium" as used herein refers to any medium that participates in providing instructions to the processor 1005 for execution. ***Such a medium may take many forms***, including but not limited to non-volatile media, volatile media, and ***transmission media***. Non-volatile media include, for example, optical or magnetic disks, such as the storage device 1009. Volatile media include dynamic memory, such as main memory 1005. Transmission media include coaxial cables, copper wire and fiber optics, including the wires that comprise the bus 1001. ***Transmission media can also take the form of acoustic, optical, or electromagnetic waves, such as those generated during radio frequency (RF) and infrared (IR) data communications. Common forms of computer-readable media include, for example,*** a floppy disk, a flexible disk, hard disk, magnetic tape, any other magnetic medium, a CD-ROM, CDRW, DVD, any other optical medium, punch cards, paper tape, optical mark sheets, any other physical medium with patterns of holes or other optically recognizable indicia, a RAM, a PROM, and EPROM, a FLASH-EPROM, any other memory chip or cartridge, ***a carrier wave***, or any other medium from which a computer can read.

[91] Various forms of computer-readable media may be involved in providing instructions to a processor for execution. For example, the instructions for carrying out at least part of the present invention may initially be borne on a magnetic disk of a remote computer. ***In such a scenario, the remote computer loads the instructions into main memory and sends the instructions over a telephone line using a modem. A modem of a local computer system receives the data on the telephone line and uses an infrared transmitter to convert the data to an infrared signal and transmit the infrared signal to a portable computing device, such as a personal digital assistant (PDA) or a laptop. An infrared detector on the portable computing device receives the information and instructions borne by the infrared signal and places the data on a bus.*** The bus conveys the data to main memory, from which a processor retrieves and executes the instructions. The instructions received by main memory can optionally be stored on storage device either before or after execution by processor.

It is clear from the originally filed specification that a "computer readable medium" may be a signal or wave, such as carrier waves, or other forms of energy not deemed to fall within a statutory category of invention. Therefore, the claims cover an embodiment that fails to include patent-eligible subject matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21 (2) of such treaty in the English language.

4. Claims 22 - 24 and 27 - 29 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication No. 2003/0109988 (hereinafter Geissler).

As per claims 22 and 27, Geissler teaches a method for configuring telemetry devices over a wireless network, the method comprising communicating with a fleet and asset management system to obtain information about a plurality of objects (Paragraph [0014] Lines 31 – 34); receiving a user input relating to configuration of one of a plurality of telemetry devices corresponding to the plurality of objects (Paragraph [0058], See “Response to Arguments” presented above); and in response to the user input,

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transmitting the user input to the fleet and asset management (Paragraph [0045], See “Response to Arguments” presented above), wherein the fleet and asset management generates a configuration message based on the user input for transmission over the wireless network (Paragraph [0045], See “Response to Arguments” presented above), including a two-way paging system, to the one telemetry device for configuring an input/output (I/O) port of the one telemetry device according to a protocol adapted for the two-way paging system, the I/O port being coupled to a corresponding one of the objects (Paragraph [0049] Lines 9 – 12, Paragraph [0050] Lines 1 – 4, See “Response to Arguments” presented above), and the one telemetry device setting parameters relating to the I/O port according to the configuration message (Paragraph [0058], See “Response to Arguments” presented above).

As per claims 23 and 28, Geissler also teaches transmitting a control message to the one telemetry device, in response to the control message the one telemetry device controlling one of the objects via the I/O port and status of the I/O port (Paragraph [0055] – [0056], See “Response to Arguments” presented above).

As per claims 24 and 29, Geissler also teaches wherein a signal received over the I/O port controls operation of the one telemetry device (Paragraph [0044]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 4, 6 – 11, 13 – 18, 20 – 21, 25 – 26, and 30 – 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. 2003/0109988 (hereinafter Geissler) in view of US Patent Application Publication No. 2005/0071079 (hereinafter Godfrey).

As per claims 1, 8, and 15, Geissler teaches a method for configuring telemetry devices over a wireless network, the method comprising transmitting a configuration message over the wireless network to one of the telemetry devices for configuring a programmable input/output (I/O) port of the one telemetry device (Geissler; Paragraph [0058], See “Response to Arguments” presented above), wherein the I/O port couples to an object (Geissler; Paragraph [0049] Lines 9 – 12, Paragraph [0050] Lines 1 – 4, See “Response to Arguments” presented above), and the one telemetry device sets parameters relating to the I/O port according to the configuration message (Geissler; Paragraph [0058], See “Response to Arguments” presented above); and receiving data corresponding to the I/O port of the one telemetry device for managing a plurality of objects corresponding to the telemetry devices (Geissler; Paragraph [0028]), wherein the wireless network is a two-way paging system; wherein the one telemetry device determines location of the object based upon location data.

Geissler does not explicitly teach receiving a location data request for Assisted-Global Positioning System (A-GPS) data over the wireless network from the one telemetry device; and transmitting the A-GPS data in response to the location data request.

However, Godfrey teaches receiving a location data request for Assisted-Global Positioning System (A-GPS) data over the wireless network from the one telemetry device; and transmitting the A-GPS data in response to the location data request (Godfrey; Paragraphs [0042] – [0048]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Geissler to include the A-GPS system because doing so allows for better tracking of objects (Godfrey; Paragraph [0012], See “Response to Arguments” presented above).

As per claims 2, 9, and 16, Geissler also teaches transmitting a control message to the one telemetry device, in response to the control message the one telemetry device controlling one of the objects via the I/O port and status of the I/O port (Geissler; Paragraphs [0055] – [0056], See “Response to Arguments” presented above).

As per claims 3, 10, and 17, Geissler also teaches wherein a signal received over the I/O port controls operation of the one telemetry device (Geissler; Paragraph [0055] Lines 12 – 21).

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As per claims 4, 11, and 18, Geissler in combination with Godfrey also teaches wherein the object is an automobile (Geissler; Paragraph [0013] Lines 14 – 22) (Godfrey; Figure 2 Item 101, Paragraph [0033]), and the signal represents an output of a sensor or a switch of the automobile (Geissler; Paragraph [0013] Lines 14 – 22) (Godfrey; Paragraph [0019]).

As per claims 6, 13, and 20, Geissler also teaches wherein the telemetry device autonomously obtains GPS data to determine the location of the object (Geissler; Paragraph [0024]).

As per claims 7, 14, and 21, Godfrey also teaches wherein receiving a message from a client to initiate transmission of the configuration message (Godfrey; Figure 8, Paragraphs [0073] – [0082]).

As per claims 26 and 31, Geissler teaches the method as described per claims 22 and 27 (see rejection of claims 22 and 27 above). Geissler also teaches wherein the wireless network includes a GPS reference network (Geissler; Paragraph [0038]).

Geissler does not explicitly teach receiving a location data request for Assisted-Global Positioning System (A-GPS) data over the wireless network from the one telemetry device; and transmitting the A-GPS data in response to the location data request, wherein the one telemetry device determines the location of the object based upon the A-GPS data.

However, Godfrey teaches wherein the wireless system includes a Global Positioning System (GPS) reference network (Godfrey; Figure 4 Item 405, Paragraphs [0043] – [0045]), and the method further comprises receiving a location data request for Assisted-Global Positioning System (A-GPS) data over the wireless network from the one telemetry device; and transmitting the A-GPS data in response to the location data request, wherein the one telemetry device determines the location of the object based upon the A-GPS data (Godfrey; Paragraphs [0042] – [0048]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Geissler to include the A-GPS system because doing so allows for better tracking of objects (Godfrey; Paragraph [0012], See “Response to Arguments” presented above).

As per claims 25 and 30, Geissler teaches the method as described per claims 24 and 29 (see rejection of claims 24 and 29 above). Geissler also teaches wherein the object is an automobile (Geissler; Paragraph [0013] Lines 14 – 22).

Geissler does not teach wherein the signal represents an output of a sensor or a switch of the automobile.

However, Godfrey teaches wherein the object is an automobile (Godfrey; Figure 2 Item 101, Paragraph [0033]), and the signal represents an output of a sensor or a switch of the automobile (Godfrey; Paragraph [0019]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Geissler to include the

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sensor output because doing so allows for tracking and recovery of a vehicle (Godfrey; Paragraph [0019]).

6. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. 2003/0109988 (hereinafter Geissler) in view of US Patent Application Publication No. 2005/0071079 (hereinafter Godfrey) and further in view of US Patent No. 6,034,623 (hereinafter Wandel).

As per claims 32 and 33, Geissler in combination with Godfrey teaches the system as described per claims 1 and 8 (see rejection of claims 1 and 8 above).

Geissler in combination with Godfrey does not teach wherein the wireless network has a protocol that specifies a format for the configuration message including, a field for providing port settings including, a port field specifying the I/O port, and a pin setting field for specifying pin settings for the I/O port, wherein the pin setting field specifies information on type of pin and information on configuration of the pin.

However, Wandel teaches wherein the configuration message includes a field for providing port settings including a port field specifying the I/O port, and a pin setting field for specifying pin settings for the I/O port, wherein the pin setting field specifies information on type of pin and information on configuration of the pin (Wandel; Col 6 Lines 32 – 64, Col 9 Line 50 – Col 10 Line 62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Geissler in combination

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with Godfrey to include the message configuration because doing so allows for connection to a number of types of peripherals (Wandel; Col 9 Lines 5 – 8).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICHARD FRANKLIN whose telephone number is (571)272-0669. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alford Kindred can be reached on (571) 272-4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Richard Franklin
/RBF/
Patent Examiner
Art Unit 2181

/Alford W. Kindred/
Supervisory Patent Examiner, Art Unit 2181